

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on August 16, 2011.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, Park/Lakes/Cemetery Superintendent Kurt Stretch, and City Clerk Susan O'Brien.

Mayor Gover called for a moment of silence for the passing of former Commissioner Bud Raboin.

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting August 2, 2011; Fire Department Report for the month of July, 2011 and 2010 Motor Fuel Tax Audit; bills and payroll for the first half of August, 2011.

Bills and Payroll for the first half of August, 2011

General Fund

Payroll		\$ 243,120.07
Bills		<u>\$ 88,881.55</u>
	Total	\$ 332,001.62

Hotel Tax Fund

Payroll		\$ 3,658.84
Bills		<u>\$ 10,252.13</u>
	Total	\$ 13,910.97

Festival Management Fund

Bills		<u>\$ 47,099.45</u>
	Total	\$ 47,099.45

Insurance & Tort Judgment

Bills		<u>\$ 38,404.00</u>
	Total	\$ 38,404.00

Capital Project Fund

Bills		<u>\$ 172,140.44</u>
	Total	\$ 172,140.44

Water Fund

Payroll		\$ 30,204.19
Bills		<u>\$ 23,280.21</u>
	Total	\$ 53,484.40

Sewer Fund

Payroll		\$ 37,137.45
Bills		<u>\$ 78,326.50</u>
	Total	\$ 115,463.95

Motor Fuel Tax Fund

Bills		\$ 50,504.58
	Total	\$ 50,504.58
<u>Health Insurance Fund</u>		
Bills		\$ 83,528.23
	Total	\$ 83,528.23

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

PRESENTATIONS, PETITIONS & COMMUNICATIONS

Mayor Gover opened the floor for public comments or discussion with no responders.

NEW BUSINESS:

Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2011-1237, approving the promotion of Sergeant Ronald Bateman, Jr. to the rank of Lieutenant in the Police Department effective August 13, 2011 as recommended by the Board of Fire and Police Commissioners.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1238, authorizing the employment of Shawn A. Brunson as a replacement probationary police officer, effective August 27, 2011.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover acknowledged the attendance of Shawn Brunson and welcomed him.

Commissioner Becker seconded by Commissioner Hall moved to adopt Ordinance 2011-5323, approving amendments to Chapter 75: Parking Regulations of the municipal code Section IV: establishing 2-hour parking for two spaces on Broadway near 17th Street, and Section V: establishing 30-minute parking the first three parking spaces on the West side of 16th Street, North of Charleston Avenue only to be enforced from Monday through Friday, 7:00 a.m. to 5:00 p.m.

CITY OF MATTOON, ILLINOIS ORDINANCE NO. 2011-5323

AN ORDINANCE AMENDING PARKING REGULATIONS TO ESTABLISH TWO-HOUR PARKING AND THIRTY-MINUTE PARKING IN CERTAIN AREAS OF THE CITY OF MATTOON

WHEREAS, the City of Mattoon provides and regulates on-street parking on Broadway Avenue; and

WHEREAS, the City of Mattoon provides and regulates on-street parking on 16th Street; and

WHEREAS, the City of Mattoon wishes to establish time limits for certain parking spaces on said streets; and

WHEREAS, the City of Mattoon wishes to establish penalties for the violation of said time limits.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois as follows:

Section 1. Schedule IV of Chapter 75 of the City of Mattoon Code of Ordinances is hereby established with the addition of the following parking restrictions:

Schedule IV - Two (2) Hour Parking

(A) Parking in excess of two (2) hours shall be prohibited at the following locations:

<u>Two-Hour Parking</u>					
<i>STREET</i>	<i>DESCRIPTION</i>	<i>CROSS STREET</i>	<i>SIDE</i>	<i>ORD. NO.</i>	<i>DATE</i>
Broadway Avenue	First two non-handicapped spaces	East of 17th Street	North	2011-5323	08/16/11

(B) The provisions of this schedule prohibiting parking shall not apply to emergency vehicles, while the driver thereof is engaged in the performance of emergency duties, nor shall provisions apply to persons actually engaged in repairing or otherwise improving the street under authority of the city or under the authority of the state.

(C) The penalty under §35.01(B) (11) shall apply upon conviction.

Section 2. Schedule V of Chapter 75 of the City of Mattoon Code of Ordinances is hereby established with the addition of the following parking restrictions:

(A) Parking in excess of thirty (30) minutes shall be prohibited at the following locations:

<u>Thirty-Minute Parking</u>					
<i>STREET</i>	<i>DESCRIPTION</i>	<i>CROSS STREET</i>	<i>SIDE</i>	<i>ORD. NO.</i>	<i>DATE</i>
16 th Street	First three parking spaces	North of Charleston	West	2011-5323	08/16/11

(B) The provisions of this schedule prohibiting parking shall not apply to emergency vehicles, while the driver thereof is engaged in the performance of emergency duties, nor shall provisions apply to persons actually engaged in repairing or otherwise improving the street under authority of the city or under the authority of the state.

(C) The penalty of §35.01(B) (11) shall apply upon conviction.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Becker, seconded by Commissioner Hall, adopted this 16th day of August, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 16th day of August, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 16, 2011.

Mayor Gover opened the floor for discussion. Commissioner Rankin initiated discussion on the current enforcement of downtown parking with Chief Branson and Director Barber. Mrs. Jackie Record inquired about Amtrak passengers' off-street parking and requested additional spaces for Amtrak passengers with Chief Branson, Commissioners Hall and Becker, and Director Barber providing solutions for Amtrak passengers' parking in the new YMCA lot.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Becker moved to adopt Special Ordinance 2011-1451, authorizing the Mayor and City Clerk to sign an Intergovernmental Agreement with Coles Together relating to the FutureGen Project.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2011 - 1451**

**A SPECIAL ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK
TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH
COLES TOGETHER RELATING TO THE FUTUREGEN PROJECT**

WHEREAS, COLES TOGETHER entered into a Site Acquisition Agreement with the FutureGen Industrial Alliance (hereinafter "FUTUREGEN") that called for COLES TOGETHER to provide FUTUREGEN with a Three Million Dollar incentive; and,

WHEREAS, by Special Ordinance 2008-1285, COLES TOGETHER and MATTOON entered into an Intergovernmental Agreement with regard to MATTOON'S assistance to COLES TOGETHER for the incentives to be paid to FUTUREGEN; and,

WHEREAS, pursuant to Special Ordinance 2008-1286, on August 12, 2008 MATTOON entered into a promissory note with First Mid-Illinois Bank & Trust, N.A. for the purpose of borrowing \$3,000,000 to provide to COLES TOGETHER; and,

WHEREAS, after receiving the money from COLES TOGETHER, FUTUREGEN did purchase the 445 acres of land necessary for the development; and,

WHEREAS, after the project in Mattoon was cancelled FUTUREGEN has deeded the property to COLES TOGETHER (subject to the restrictions contained in the Site Acquisition Agreement); and,

WHEREAS, Through pledges COLES TOGETHER has reduced the promissory note to One Million Six Hundred Fourteen Thousand Forty-Eight and 25/100 Dollars; and,

WHEREAS, COLES TOGETHER has paid all expenses, interest and fees associated with the promissory note and associated documents; and,

WHEREAS, after the canceling of the project, most of the pledges given to COLES TOGETHER to repay the promissory note were revoked and never fulfilled; and,

WHEREAS, COLES TOGETHER has leased the land for agricultural purposes, with the rental income being sufficient to pay the principal and interest on the promissory note, but because of the requirements of the Site Acquisition Agreement the bank is unwilling to release MATTOON from its commitments under the promissory note; and,

WHEREAS, First Mid-Illinois Bank & Trust, N.A. (hereinafter "FIRST MID") has agreed to extend the term of the promissory note until December 18, 2012, increased the interest rate from 3.25% to 4% and has set regular principal and interest payments; and,

WHEREAS, COLES TOGETHER has agreed to sign a mortgage and pledge its interest in the 445 acres as security for the promissory note with FIRST MID; and,

WHEREAS, the Constitution of the State of Illinois, at Article VII, Section 10 and the Statutes of the State of Illinois allow for MATTOON to provide this type and form of development assistance to individuals and organizations.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES

COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Special Ordinance.

Section 2. The Mayor and City Clerk are authorized and directed to sign the attached Intergovernmental Agreement with Coles Together.

Section 3. The Mayor and City Clerk are also authorized to do any act and sign any additional documents necessary to implement the intent of this Ordinance.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Mayor Gover, seconded by Commissioner Becker, adopted this 16th day of August, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 16th day of August, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 16, 2011.

Mayor Gover opened the floor for discussion. At Commissioner Rankin's request, Attorney & Treasurer Owen reviewed the Coles Together/FutureGen agreement and promissory note. Council further discussed Coles Together's ability to repay the promissory note with cash rent farming.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Ervin seconded by Commissioner Hall moved to adopt Special Ordinance 2011-1452, authorizing the Mayor and City Clerk to sign an extension of the promissory note with a change in terms agreement and associated documents with First Mid-Illinois Bank & Trust, N.A. related to the FutureGen Project.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2011-1452

A SPECIAL ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A CHANGE IN TERMS AGREEMENT AND ASSOCIATED DOCUMENTS WITH FIRST MID-ILLINOIS BANK & TRUST, N.A.

WHEREAS, by Special Ordinance 2008-1286, the City of Mattoon approved a letter of credit from First Mid-Illinois Bank & Trust, N.A. in the amount of Three Million and no/100 dollars (\$3,000,000.00) to satisfy the incentives offered by Coles Together on the FutureGen project; and

WHEREAS, in March of 2009 The City transferred the amount remaining on the letter of credit into a promissory note for a period of one (1) year and this promissory note was extended for an additional year in March of 2010 and extended again in March and May 2011; and,

WHEREAS, through pledges, Coles Together has reduced the promissory note to One Million Six Hundred Fourteen Thousand Forty-Eight and 25/100 Dollars; and,

WHEREAS, after the project in Mattoon was cancelled FutureGen has deeded the property to Coles Together (subject to the restrictions contained in the Site Acquisition Agreement); and,

WHEREAS, Coles Together has leased the land for agricultural purposes, with the rental income being sufficient to pay the principal and interest on the promissory note, but because of the requirements of the Site Acquisition Agreement the bank is unwilling to release the City of Mattoon from its commitments under the promissory note; and,

WHEREAS, First Mid-Illinois Bank & Trust, N.A. (hereinafter "FIRST MID") has agreed to extend the term of the promissory note until December 18, 2012, increased the interest rate from 3.25% to 4% and has set regular principal and interest payments; and,

WHEREAS, Coles Together has agreed to sign a Mortgage and Third Party Pledge Agreement thereby pledging its interest in the 445 acres as security for the promissory note with First Mid-Illinois Bank & Trust, N.A.; and,

WHEREAS, the Constitution of the State of Illinois, at Article VII, Section 10 and the Statutes of the State of Illinois allow for the City of Mattoon to provide this type and form of development assistance to individuals and organizations.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Special Ordinance.

Section 2. The Mayor and City Clerk are authorized and directed to sign the attached documents, attached hereto as Exhibit "A" and incorporated herein by this reference, for the extension of the promissory note in the principal amount of One Million Six Hundred Fourteen Thousand Forty-Eight and 25/100 Dollars (\$1,614,048.25) to First Mid-Illinois Bank & Trust, N.A. which monies were utilized for the benefit of Coles Together, same as being a lawful purpose.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner Ervin, seconded by Commissioner Hall, adopted this 16th day of August, 2011, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 16th day of August, 2011.

/s/ Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 16, 2011.

Mayor Gover opened the floor for discussion or comments with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2011-1239, authorizing a three-year contract with OptumHealth Financial Services for the administration of Flexible Spending Accounts (FSA) to enable employees to tax shelter employee expenses for health insurance and dependent care.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1240, approving a \$3,200 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon High School for hosting the Mattoon Boys Invitational Golf Tournament on September 9 & 10, 2011; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion and added the community's estimation revenue from Tourism Director Burgett to be approximately \$90,000 which was good returns for the events.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Becker moved to approve Council Decision Request 2011-1241, approving a \$2,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon High School for hosting the Mattoon Girls Holiday Basketball Tournament on December 27-29, 2011; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion with no responders.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Becker moved to approve Council Decision Request 2011-1242, approving a \$3,451 grant by the Tourism Advisory Committee from hotel/motel tax funds to Lake Land College Community of Professional Programs for hosting the Pheo-Para Symposium on October 6, 2011; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR – updated Council on review of Comprehensive Plan proposals with Coordinator Gill, distribution of Progress Square bids, addressing of snow route concerns, and luncheon with EIU president and others. Commissioner Hall, Administrator McLaughlin, and Director Barber discussed the completion of the Progress Square lot in November or December and Depot parking lot to be bid in the Spring. Mayor Gover opened the floor for questions with no responders.

ATTORNEY & TREASURER – noted work with the auditors. Mayor Gover opened the floor for questions with no responders.

CITY CLERK – noted work with the auditors and business as usual. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS – distributed a monthly report emphasizing the South Side Drainage Project and designing of Phase II; 31st Street and United Graphics update; big tournaments in the Parks (thanked Superintendent Stretch for his work); and order of Lawson Park playground equipment. Commissioner Becker thanked Deputy Chief Taylor for his work in mowing during Rotary's cleanup day. Director Barber noted the purchase of a mower for the areas. Mayor Gover commended Superintendent Stretch and Staff for their work on the parks. Mayor Gover opened the floor for questions with no responders.

COMMUNITY DEVELOPMENT – updated the Council on Nuisance Court with 80% in compliance; and receipt of three plans for houses and commercial properties. Mayor Gover opened the floor for questions. Commissioner Hall and Coordinator Gill discussed renovations at the former Garment Factory. Mayor Gover opened the floor for questions with no responders.

FIRE – noted business as usual with a number of calls, continuation of Operation Community Pride, training and walkthroughs. Commissioner Hall noted the three volunteers from the Fire Department who provided services during the St. Jude's Run and elaborated on the event. Mayor Gover opened the floor for questions with no responders.

POLICE – noted business as usual in addition to a new vehicle arriving on Friday, ordering of bullet proof vests, extending a welcome to Shawn Brunson, providing comments from the Mattoon Junior Football League Jamboree participants and congratulating Superintendent Stretch on his work. Commissioner Rankin inquired as to the winner of the Battle of the Badges Blood Drive with Chief Branson announcing the Mattoon Police Department and Fire Department had the most donors over Charleston. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL

Commissioners Becker, Ervin, Hall, and Rankin had no further comments.

Mayor Gover seconded by Commissioner Becker moved to recess to closed session at 7:00 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); and collective bargaining negotiating matters (5 ILCS 120(2)(c)(2)).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Council reconvened at 9:12 p.m.

Commissioner Hall seconded by Commissioner Rankin moved to adjourned at 9:12 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin.

/s/ Susan J. O'Brien
City Clerk